ATTACHMENT 1

Notice of Oral and Written *Ex Parte* Presentation

October 29, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147;

Dear Ms. Dortch:

On Tuesday, October 29, 2002, on behalf of the High Tech Broadband Coalition (HTBC), John Boidock of Texas Instruments; Doug Cooper of Catena Networks; Derek Khlopin and Grant Seiffert of Telecommunications Industry Association;Veronica O'Connell of the Consumer Electronics Association; David Peyton of the National Association of Manufacturers; Peter Pitsch of Intel and Tim Regan of Corning met with Tom Navin, Julie Veech, and Elizabeth Yockus of the FCC's Wireline Competition Bureau. The High Tech Broadband Coalition represents the leading trade associations (BSA, CEA, ITI, NAM, SIA, and TIA) of the computer, telecommunications equipment, semiconductor, consumer electronic, software and manufacturing sectors. Carriers are not represented in the HTBC.

In the course of the discussion, the HTBC representatives presented draft rule language (which with minor format and style changes is attached to this letter) and made additional points that are set out in further detail in the HTBC pleadings filed in the above-referenced Commission proceedings. Among other things, the HTBC representatives stated:

- HTBC believes that the best way to reach universal adoption of broadband is strong facilities-based broadband competition among cable modem, wireline broadband (xDSL/fiber), satellite and wireless alternatives.
- Specifically, HTBC believes that the Commission should refrain from imposing unbundling obligations on incumbent local exchange carriers' new, last mile

broadband facilities, including fiber and DSL and successor technologies deployed on the customer side of the central office.

- On the other hand, competitive entrants should continue to have access to core copper loops and be able to collocate their equipment in ILEC central offices.
- The attached draft rules provide specific language changes to the existing rules that would implement the above unbundling policies.
    - The draft rules would require an ILEC to unbundle a local loop, but would not require an ILEC to unbundle either a "broadband loop" or dark fiber deployed in the local loop.
    - A "broadband loop" is defined as any fiber-based facility deployed on the customer side of the central office that is used in whole or in part to transmit packetized information and the associated equipment attached thereto. It also includes any packet-based equipment attached to a copper loop.
    - However, the draft rules also maintain various ILEC obligations and propose other safeguards to assure that a CLEC can continue get access to the unbundled network elements that it is able to get today.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to each member of the Commission staff present at the meeting. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Peter K. Pitsch

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Peter K. Pitsch
Intel Corporation
Director, Communications Policy

cc:
Tom Navin
Julie Veech
Elizabeth Yockus

HTBC's First Rule Modification:

47 C.F.R. § 51.319 (a):

§51.319 Specific unbundling requirements.

(a) *Local loop and subloop*. An incumbent LEC shall provide nondiscriminatory access, in accordance with §51.311 and Section 251(c)(3) of the Act, to the local loop and subloop, including inside wiring owned by the incumbent LEC, on an unbundled basis to any requesting telecommunications carrier for the provision of a telecommunications service, except that the incumbent LEC shall not be required to provide unbundled access to a broadband loop as defined below and dark fiber deployed in any part of the local loop. Where an incumbent LEC upgrades an existing DLC system, the incumbent LEC shall provide unbundled access to a non-packetized voice-grade equivalent channel for basic telephone service where such technical capability already existed. Where an incumbent LEC upgrades existing plant to a broadband loop, it shall not deprive a CLEC of access to an existing copper UNE loop without first obtaining Commission approval.

(1) *Local loop*. The local loop network element is defined as a transmission facility between a distribution frame (or its equivalent) in an incumbent LEC central office and the loop demarcation point at an end-user customer premises, including inside wire owned by the incumbent LEC. The local loop network element includes all features, functions, and capabilities of such transmission facility. Those features, functions, and capabilities include, but are not limited to ~~dark fiber~~ attached electronics and line conditioning. The local loop includes, but is not limited to, DS1, DS3, ~~fiber,~~ and other high capacity loops. ~~The requirements in this section relating to dark fiber are not effective until May 17, 2000.~~

(2) *Broadband loop.* The broadband loop is defined as any fiber-based facility deployed on the customer side of the central office that is used in whole or in part to transmit packetized information and the associated equipment attached thereto. Also included is any electronics attached to a copper loop that is used in conjunction with or facilitates packetized transmission over such loop.

Note: With the addition of (a)(2) "Broadband loops" "Subloop" must be renumbered to 51.319(a)(3) and "Network interface device" must be renumbered to 51.319(a)(4)

….

47 C.F.R. § 51.319 (c)(5)

(c) *Switching capability* …

(5) An incumbent LEC shall not be required to provide nondiscriminatory access to unbundled packet switching capability. ~~only where each of the following conditions~~

~~are satisfied. The requirements in this section relating to packet switching are not effective until May 17, 2000.~~

~~(i) The incumbent LEC has deployed digital loop carrier systems, including but not limited to, integrated digital loop carrier or universal digital loop carrier systems; or has deployed any other system in which fiber optic facilities replace copper facilities in the distribution section (e.g., end office to remote terminal, pedestal or environmentally controlled vault);~~

~~(ii) There are no spare copper loops capable of supporting xDSL services the requesting carrier seeks to offer;~~

~~(iii) The incumbent LEC has not permitted a requesting carrier to deploy a Digital Subscriber Line Access mulltiplexer in the remote terminal, pedestal or environmentally controlled vault or other interconnection point, nor has the requesting carrier obtained a virtual collocation arrangement at these subloop interconnection points as defined by paragraph (b) of this section; and~~

~~(iv) The incumbent LEC has deployed packet switching capability for its own use.~~

HTBC's Second Rule Modification:

47 C.F.R. §51.319 (a)(2) [which must be renumbered to (a)(3), as indicated above]

(3) *Subloop.* The subloop network element is defined as any portion of the copper loop that is technically feasible to access at terminals in the incumbent LEC's outside plant, including inside wire. An accessible terminal is any point on the loop where technicians can access the wire or fiber within the cable without removing a splice case to reach the wire or fiber within. Such points may include, but are not limited to, the pole or pedestal, the Serving Area Interface ("SAI"), the network interface device, the minimum point of entry, the single point of interconnection, the main distribution frame, the remote terminal, and the feeder/distribution interface. Further, upon a site-specific request, an incumbent LEC shall provide access to the copper subloop at a splice near the remote terminal. The incumbent LEC shall be compensated for the actual cost (without regard to § 51.505) of providing this access. ~~The requirements in this section relating to subloops and inside wire are not effective until May 17, 2000.~~